IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7856 OF 2005

The State of Maharashtra ...Applicant

Vs.

Prakash Malayya Marata ...Respondent

Shri S.V.More, A.P.P for the Applicant.

Shri I.M.Khairdi for the Respondent.

CORAM : A. S. OKA, J.

DATE : NOVEMBER 15, 2006.

P.C.:

1. Heard the learned A.P.P for the Applicant and the learned Advocate for the Respondent. The acquittal of the Respondent is for offence punishable under section 171(G) of the Indian Penal Code. The allegation against the Respondent is that while he contested election of Vidhan Sabha in the year 1995, he made a false propaganda that he was official candidate of Telgu Desam Party though he contested the election as an independent candidate.

2. The learned Trial Judge held that evidence of only one witness namely, P.W.1 Vasudev Sidram Konda was not sufficient to establish the offence. P.W.1 is the

owner of printing press in which pamphlets of election were allegedly got printed at the instance of the Respondent in which it was claimed that the Respondent was an official candidate of Telgu Desam Party. There was nothing on record to show that it was the Respondent who instructed the P.W.1 to print pamphlets which were produced before the Trial Court as Article "A". Infact the P.W.1 admitted that he does not know the accused. In this view of the matter, the learned Trial Judge held that the offence was not proved. The view taken by the learned Trial Judge is a possible view which could have been taken on the basis of the evidence on record. No case is made out for grant of leave. Application is rejected.

JUDGE